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Report of the Special Rapporteur on minority issues on her mission to the Republic of Moldova: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Special Rapporteur on minority issues on her mission to the Republic of Moldova.

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Report of the Special Rapporteur on minority issues on her mission to the Republic of Moldova (20-29 June 2016): comments by the State*

1. This document was prepared on the basis of opinions, suggestions and comments submitted by central public administration authorities that have competence in the field of minority issues, including Ministry of Justice, Ministry of Labor, Social Protection and Family, Ministry of Education, Bureau for Reintegration, Bureau of Interethnic Relations, Council on the Prevention and Elimination of Discrimination and Ensuring Equality, Coordination Council of Audiovisual, etc. Having studied and analyzed the abovementioned report, the state institutions generally support its content.

2. In the current situation that proves the peaceful coexistence of many ethnic groups in the Republic of Moldova, some of which reside compactly in certain regions of the country, activity of the Special Rapporteur on minority issues is of special importance as it is aimed at promoting their rights and freedoms.

3. It is important to note that the Report reflects the achievements and actions taken by the Republic of Moldova to develop the system of minority rights protection at legislative and practical levels. It admits the multi-ethnic, multi-lingual and multi-religious composition of the Moldovan society; ethnic and inter-confessional relations are generally assessed as peaceful; it is noted that cases of violence, intimidation or aggression against minorities on the basis of their ethnic, linguistic, religious identity are rare. Although serious violations of human rights and freedoms of Moldovan citizens on ethnic grounds haven't been reported so far, this segment still requires special attention from both the Moldovan authorities and international organizations.

4. The report also refers to a number of problems with respect, protection and promotion of minority rights, formulated as a result of numerous consultations of the Special Rapporteur with the representatives of central public administration authorities, minority representatives, particularly in localities densely populated by them, leaders of non-governmental organizations, representatives of religious communities, and local public administration.

5. At the same time, bearing in mind that this report will be considered at the 34th session of the UN Council on Human Rights in March 2017, we present the following amendments and supplements.

III. Minority rights: legal and institutional framework

6. This section would be useful to complement with the following information on the basis of state policy in the field of minority rights protection:

7. "In the Republic of Moldova state-level coherent legislative and practical measures are taken aiming at creating a comprehensive human rights protection system, including the rights of persons belonging to national minorities to preserve, develop and express their ethnic, cultural, linguistic and religious identity; and at ensuring inadmissibility of discrimination, ethnic hatred, intolerance, xenophobia, anti-Semitism and other related negative phenomena.

* Reproduced as received.

8. Drafting laws and policies in the field of inter-ethnic relations and protection of the rights of persons belonging to national minorities is a priority and represents a constant activity of the Moldovan Government.

9. During 2012-2016 there were adopted a number of long-term policy documents of universal nature, related to national minority rights, preventing and combating discrimination, guaranteeing equality.

10. Thus, the Government Action Plans for 2013-2014, 2015-2018 and the recent one for 2016-2018 (approved by the Parliament Decision No. 01 of 20 January 2016) under the separate Chapters contained priority objectives and measures focused at the national minority related issues.

11. Among other normative acts adopted by the Government that provided for the implementation through concrete actions of a balanced state policy aimed at preserving the cultural diversity and protection of cultural and ethnic identity of national minorities, in addition to the National Cultural Development Strategy "Culture 2020", we should also mention:

- National Human Rights Action Plan for 2011-2014;
- National Action Plan for the implementation of the RM-EU Association Agreement for 2014-2016, approved by the Government Decision No. 808 of 7 October 2014;

12. The legislation of the Republic of Moldova regulating the field of interethnic relations and ensuring national minority rights corresponds to the highest and recognized international standards and consists of a set of legislative and normative acts.

13. In **paragraph 18** of the Report the phrase "in the past the institution held the status of government department, which allowed it to cover a broader portfolio" should be deleted. This opinion doesn't reflect the situation adequately based on the following arguments.

14. In 2005, pursuant to Article I of the Law No. 23-XVI of 14 April 2005 "On amending the Law on Government No. 64-XII of 31 May 1990" there was a change only in the name of this body and other similar central administrative authorities of the Republic of Moldova. Under this law, the term "department" with respect to a number of central administrative authorities has been replaced by the term "other central administrative authorities", which includes bureaus, agencies, services, etc. Therefore, these changes have not resulted in downgrading of the Bureau in the status and reduction of its functions. On the contrary, currently the Bureau is a key institution in the sphere of interethnic relations with the wide-ranging powers (policy making, in particular development of a "Strategy for Interethnic Relations Consolidation in the Republic of Moldova" and the Action Plans to support the Roma population, monitoring of the current legislation in the field of minority rights protection and functioning of the languages, coordinating the implementation of international standards, to which the Republic of Moldova is a part, organization of the work of the Coordinating Council of Ethno-cultural Organizations, which is a public advisory body to the Bureau, support for statutory activities of ethno-cultural organizations of national minorities (93 organizations are accredited under the Bureau); promotion of linguistic integration of the national minorities, promotion of the state language and organization of the state language teaching for adult population; promotion of the principles of tolerance, intercultural dialogue and the Holocaust remembrance and education, prevention of discrimination, xenophobia, etc.). At the same time, as noted in the report, the Bureau experiences lack of financial and human resources.

15. In **paragraph 22** in relation to the Action Plan to support the Roma population for 2016-2020 it should be noted that the Decision of the Government that approved this Action Plan provides for that funding of activities of the Plan will be made from the state

budget allocations of the institutions responsible for its implementation as well as from other sources in accordance with the legislation in force.

16. In **paragraph 23** it would be useful to introduce relevant updated information on the process of development and adoption by the Government of the draft Strategy for Interethnic Relations Consolidation in the Republic of Moldova for 2017-2027. The Strategy is intended to improve existing legal and regulatory framework. The document sets out national mechanisms for guaranteeing respect for national minority rights, facilitating integration of national minorities in various spheres of public life, achieving interethnic harmony and consolidating interethnic relations in the Republic of Moldova. Currently, the document is under consideration of the Government of the Republic of Moldova, being prepared for approval at an upcoming meeting of the Cabinet of Ministers. The Strategy sets out long-term objectives (10 years) and tasks which stipulate implementation of the following priorities:

- participation of national minorities in public life;
- policies in relation to both the state and minority languages;
- intercultural dialogue and civic belonging to the State of the Republic of Moldova;
- Mass media.

17. Adoption of the Strategy and its subsequent implementation in three stages will allow to create favorable conditions for interethnic relations consolidation, ensuring rights of national minorities to effective participation, integration in various spheres of public life, development and use of the languages, as well as - formation of civic belonging to the State of the Republic of Moldova, promotion of diversity in society and facilitation of intercultural dialogue.

IV. Specific areas of concern regarding linguistic rights

A Education

18. Describing the field of education we consider it essential to supplement this subsection with general overview of minority language education system which reads as follows.

19. «At present, there are 3 models of minority language studying in the Republic of Moldova.

I. The first model includes schools with Russian language as language of instruction, which national minorities traditionally attend. This model totals 262 gymnasiums and lyceums/high schools.

II. The second model includes schools with Russian language as language of instruction with the Ukrainian, Gagauz, Bulgarian languages being studied as a subject 3 times a week and a new subject – History, culture and traditions of Russians, Ukrainians, Gagauz, Bulgarians with once a week tuition.

III The third model covers experimental gymnasiums and lyceums/high schools where the primary and secondary education is delivered in mother tongue: Ukrainian and Bulgarian».

20. In **paragraph 26** on the Education Code adopted in 2014 to make the following remark: «The Education Code doesn't contain any discriminatory provisions regarding national minorities, but develops some concepts provided for by the previously adopted

laws (Constitution of the Republic of Moldova, 1994; the Law on languages spoken in the Republic of Moldova of 1989; Law on the rights of persons belonging to national minorities and the legal status of their organizations of 2001; President Decrees and Government Decisions on ensuring cultural development of minorities *(Ukrainians, Russians, Bulgarians, Roma, Jews)*».

21. At the same time, to include the following updated statistics reflecting a number of schools where minority languages are taught:

Studied language	***Academic year 2008-2009***	***Academic year 2016-2017***
Ucrainian	57 schools	46 schools
Gagauz	52 schools	48 schools
Bulgarian	32 schools	30 schools
Polish	1 school	1 school
Hebrew	2 schools	2 schools
German	1 school	1 schools

22. Also, in a separate paragraph to note the following actions on Romani language studying: "An attempt has been made to introduce the Romani language teaching to Roma pupils in the Republic of Moldova. For this purpose, in 2001, 500 primers in Romani were brought from Romania to be used for Romani language teaching in localities densely populated by Roma people. But because of different Romani language dialects specific to different regions, the Romani primer has been introduced in the curriculum".

23. Taking into account concerns expressed by the Special Rapporteur on the level of state language proficiency and studying, it would be appropriate to supplement this section, in particular **paragraph 30**, or to introduce an additional paragraph on measures taken to promote the state language studying among the national minorities in particular adults: «The activity to promote the state language studying among adult population, in particular, speaking other languages, is held in cooperation with OSCE High Commissioner on National Minorities, LPAs and National Association of European Trainers in Moldova (ANTEM). During the period **2010-2015**, approximately **5,000** civil servants, doctors, teachers, economic sphere employees, policemen etc. benefited from the state language learning courses organized by ANTEM in the northern and southern districts of the republic and municipality of Chisinau. The Projects *„Language training program for national minorities in the Republic of Moldova"*, and *"Distance study of the Romanian language"* aiming at linguistic, social, cultural and professional integration of speakers of other languages were implemented. In 2015 *Distance study of the Romanian language* covered about 300 beneficiaries (including students, school managers, young specialists, young mothers, persons with disabilities) in 9 localities of the Republic Moldova. Since 2016 an innovative project *„Program on Simultaneous Learning of the Romanian and Gagauz languages"* is implemented. It is designed to draw minimum 150 children aged 5-7 years and their parents from three districts of Gagauzia (Comrat, Ceadir-Lunga and Vulcanesti) into simultaneous learning of the Romanian and Gagauz languages».

V. Religious minorities

24. In order to reflect comprehensively the situation with religious minority rights protection, we deem it necessary to complement this section with the following statistics:

«Currently, there are around 2,634 religious cults and component parts registered at national level (religious communities and institutions)».

25. We regret to note conclusions made by the Rapporteur in respect of the procedure for registration of religious organizations (**paragraph 51**) as being "lengthy and burdensome". Accordeng to the Ministry of Justice's latest statistics during 2015 till present not a single decision to deny initial registration of a religious cult and/or its component parts has been taken.

VI. Roma

26. It appears necessary to complement this section with the following information: «The status of Roma people doesn't differ from the status of other national minorities living on the territory of the Republic of Moldova. No legislative or regulatory act exists in Moldova that restricts Roma from free exercise of fundamental human rights: to life, physical and mental integrity, freedom of movement, family and private life, education, work and social protection. Roma enjoy the same rights and freedoms that are enjoyed and exercised by all other national minorities in Moldova, as guaranteed by domestic law. However, the Roma minority often faces manifestations of discrimination, negative stereotypes against their mentality among some members of the society.

27. In recent years, in the Republic of Moldova, there have been notable achievements in addressing the problems pertaining to Roma integration in the Moldovan society, to the fight against intolerance and stereotypes against this ethnic group.

28. With the support of the Bureau of Inter-ethnic Relations, national cultural movement among Roma population has enhanced, youth, business and scientific Roma leaders have move forward, degree of Roma women social participation has increased.

29. More than 40 Roma ethno-cultural public organizations operate in the country at national and local levels. The Bureau of Inter-ethnic Relations cooperates with all Roma public organizations, it supports their statutory activities, contributes to the implementation of various projects and initiatives. Leaders of 11 Roma public organizations accredited under the Bureau are members of the Coordinating Council of Ethno-cultural organizations and have their representatives in the Executive Board. It is important to note the significantly increased activity of Roma NGOs' leaders and members of their social structures in the field of education, especially education of youth, in research and publishing, in supporting the service of Roma community mediators in cooperation with state authorities and international organizations.

30. The Bureau of Interethnic Relations holds numerous awareness-raising campaigns in collaboration with ethno-cultural organizations aimed at facilitating of intercultural dialogue, promoting of cultural and linguistic diversity, overcoming of negative attitudes towards Roma.

31. In **paragraph 99** in relation to funding of the Action Plan to support the Roma population for 2016-2020 it should be noted that the Decision of the Government by which this Action Plan was approved provided for that funding of activities of the Plan will be made from the state budget allocations of the institutions responsible for its implementation as well as from other sources in accordance with the legislation in force.

32. At the same time, we deem it important that the Special Rapporteur, bearing in mind crisis and financial constraints Moldova lately faces, reflects the need of external financial assistance for effective implementation of the plan, in particular support from European funds, technical assistance projects/programmes, public-private partnerships, etc.

33. In **paragraph 68** we deem it necessary to exclude the phrase about 37 percent of the Action Plan to support the Roma population in the Republic of Moldova for 2011-2015 being actually implemented as it doesn't reflect reality. During the monitoring of the Action Plan implementation and the development of a Report on its implementation, the aim was not to determine the Action Plan implementation percentage. An analysis of implementation and failure to realize the most significant and important actions that are of paramount importance for improving socio-cultural situation of Roma people and require urgent solutions was carried out.

VIII. Media

34. It appears necessary to reflect in this section (paragraphs 81, 82, 83) the information about the amount of broadcasting in minority languages on national television. In particular, TV station "Moldova 1" broadcasts programs dedicated to minorities with an average of one hour per week. The Public Company "Teleradio-Moldova" considers this amount of broadcasting in minority languages as sufficient. These programs are complemented with programs in Russian language: news bulletins, daily (15 min. X 7) - 1 hour 45 min.; Foreign news daily (30 min. x 7) - 3:30 min.; Foreign news rerun daily - (30 min. x 7) - 3:30 min.; TV show "Antichib" for 2 hours per month 30-min. - 1 hour.

35. Furthermore, it is also relevant to mention the following information in this section: «Nowadays, on the territory of the Republic of Moldova, there are six radio stations: GRT FM, Bas FM, Albena, Pro 100 radio, Bugeac FM, FOCUS Radio and eight TV stations: TV Gagauzia, TV Bizim DALGAMEZ, Asia-Aciic, NTS, Eni Ai, BIZIM AIDINIC, BAS TV, Zona M in those regions where ethnic minorities comprise the majority of the population. NTS TV channel broadcasts programs in Bulgarian, Romanian, Russian languages and rebroadcasts programs from BNT TV channel from Bulgaria. TV Gagauzia broadcasts the Turkish TV channel TRT. Other TV channels produce their own programs in Gagauz, Romanian, Russian, Bulgarian languages. Besides radio and television mentioned above, the National Public Broadcasting Company "Teleradio-Moldova" offers several media programs in minority languages. However, the regional public company "Teleradio Gagauzia" provides TV and radio services intended for Gagauz population who live on the territory of Gagauzia.

36. Unfortunately, due to lack of proper funding, local and regional broadcasters cannot produce 100% content in minority languages and this is the reason why many of them purchase (...) broadcast programs in Russian language. Thus, during the last years, Coordinating Council of Audiovisual (CCA) has taken positive steps to support the domestic audiovisual production allocating financial resources from the Broadcasters' Support Fund to local and regional broadcasters who participated in the *Contest for audiovisual projects selection*. Thus, in 2014, 18 broadcasters produced 293 programs in Romanian, Russian, Bulgarian and Gagauz languages; in 2015 CCA allocated from the Broadcasters' Support Fund financial resources for 17 projects for the production of programs in Romanian, Russian, Bulgarian, Gagauz languages.

37. Also, the CCA permanently organizes seminars and trainings for broadcasters and journalists from the Republic of Moldova discussing intensively the rights of ethnic minorities and the attested cases on discrimination.

38. The CCA encourages and allocates financial resources for the production of programs in minority languages and on the promotion of their culture and traditions.

39. Over the last years, the CCA didn't receive any complaints regarding violation of minority rights, discrimination etc»

IX. Transnistrian region of the Republic of Moldova

40. We believe that in the absence of effective control of the constitutional authorities of the situation in the Transnistrian region, the process of implementing the recommendations made by the development partners is hindered. Thus, the effort made by the Special Rapporteur on minority issues to improve the human rights situation in Transnistria is very welcome.

41. Guaranteeing the inalienable right to education throughout the country remains difficult, as described in chapter IX of the Report. The Moldovans constitute majority of the population in the Transnistrian region, however, schools teaching in Latin script are exposed to continuous persecution by the representatives of so-called structures from Tiraspol.

42. In this regard it is proposed to supplement **paragraph 85** with a phrase which reads as follows: „Unfortunately, up to this moment, the Tiraspol de facto administration didn't take any positive actions in this regard, as evidenced by the multiple European Court of Human Rights judgments, the lack of a viable mechanism for monitoring human rights situation in the region and the breach of assumed commitments during the negotiation process".

43. Similarly, it is proposed to exclude an assumption that the alleged structures in the region have no access to the schools teaching in Latin script and, therefore, are deprived of a possibility to verify compliance of the educational process to the so-called „educational standards in the region" (**paragraph 90**). The situation is completely different, as the schools teaching in Latin script are under permanent pressure from the Transnistrian administration, such as unjustified increase in rents and the amount of the real estates, regular freezing of bank accounts, double taxation of teaching staff, constant acts of provocation against school administration, children and their parents etc. A closure to these problems requires analysis of available options, and fundamental decisions. We hope that negotiations on the Transnistrian settlement will register the expected progress.

X. Conclusions and Recommendations

44. **Paragraph 99** is to be supplemented with the following sentence: „Currently, the Ministry of Labor, Social Protection and Family examines the opportunity and readiness for ratification of the Optional Protocol to the International Covenant on the Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the rights of Persons with disabilities".

45. **Paragraph 102** is to be revised taking into account that the recommendation goes against the national legislation which regulates the functioning of spoken languages on the territory of the Republic of Moldova, namely the Law No. 3465 from 01.09.1989. Russian is used as a communication language parallel to the state language. According to the abovementioned Law, in certain localities where most of the population is Gagauz, the official languages in different fields of life are the state language, Gagauz or Russian. An extensive interpretation of these rights would exceed the commitments of the Republic of Moldova at international level.

Roma

46. **Paragraph 106** is to be supplemented with the following phrase: „This recommendation will be realized within the process of implementing the Action Plan to support the Roma population for 2016-2020".

Transnistrian region of the Republic of Moldova

47. The recommendations provided for in **paragraph 114** are considered to be legitimate as it is reiterated the need to implement the findings of UN experts who have previously visited the region and in this way these recommendations support the efforts of the Government of the Republic of Moldova to restore the violated rights and to ensure their respect in compliance with international commitments to which Moldova is a party.

48. In order to implement the proposal on establishment of a commission with minority members from the region we, consider it appropriate to set up a mechanism to monitor this commission's work by the representatives of Chisinau and relevant international organizations (UN, OSCE, Council of Europe, etc.).

49. Furthermore, it is worth mentioning that the constitutional authorities will further contribute to promotion of human rights and fundamental freedoms in the Transnistrian region, by establishing a legal framework to advance reintegration policies and to develop the interim mechanisms to solve the problems that are faced by the population and economic agents from the Transnistrian region, as well as by creating the necessary conditions for gradual reintegration of the region into unique spaces of Moldova (economic, political, social, cultural, informational, etc.).